1 CORENE KENDRICK (SBN 226642) ISMAIL J. RAMSEY (CABN 189820) 2 ckendrick@aclu.org United States Attorney KYLE VIRGIEN (SBN 278747) MICHELLE LO (NYRN 4325163) Chief, Civil Division 3 kvirgien@aclu.org AMERICAN CIVIL LIBERTIES UNION J. WESLEY SAMPLES (CABN 321845) 4 **FOUNDATION** Assistant United States Attorney 39 Drumm St. San Francisco, CA 94111 5 450 Golden Gate Avenue, Box 36055 (202) 393-4930 San Francisco, California 94102-3495 6 Telephone: (415) 436-7073 FAX: (415) 436-6748 MARIA V. MORRIS (SBN 223903) wes.samples@usdoj.gov 7 mmorris@aclu.org AMERICAN CIVIL LIBERTIES UNION 8 **FOUNDATION** Attorneys for Defendant 915 Fifteenth Street NW, 7th Floor 9 Washington, DC 20005 Telephone: (202) 548-6607 10 EMI MACLEAN (SBN 319071) EMacLean@aclunc.org 11 ACLU OF NORTHERN CALIFORNIA 12 39 Drumm Street San Francisco, California 94111 13 Telephone: (415) 621-2493 Attorneys for Plaintiff 14 15 UNITED STATES DISTRICT COURT 16 NORTHERN DISTRICT OF CALIFORNIA 17 SAN FRANCISCO DIVISION 18 19 AMERICAN CIVIL LIBERTIES UNION CASE NO. 3:23-CV-05248-JD FOUNDATION, 20 JOINT STIPULATION TO TRANSFER CASE Plaintiff, TO THE UNITED STATES DISTRICT COURT 21 FOR THE DISTRICT OF COLUMBIA, AND (PROPOSED) ORDER v. 22 UNITED STATES DEPARTMENT OF 23 JUSTICE. Defendant. 24 25 26 27 28

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Pursuant to Civil Local Rule 7-12, and subject to the Court's approval, Plaintiff the American Civil Liberties Union Foundation ("Plaintiff") and Defendant the United States Department of Justice ("Defendant") (Plaintiff and Defendant collectively, the "Parties") stipulate as follows:

WHEREAS, on February 1, 2024, the Court held an initial case management conference during which the Parties indicated they planned to discuss a venue issue.

WHEREAS, the Parties have discussed the venue issue, including by meeting and conferring on February 1, 2024, immediately following the initial case management conference.

WHEREAS, on March 1, 2024, the United States Department of Justice, Federal Bureau of Prisons, sent from Washington, D.C. to the American Civil Liberties Union Foundation, National Prison Project, in Washington, D.C., a letter advising the American Civil Liberties Union Foundation as ordered by the Court in the Minute Entry at Dkt. No. 22 (the "Letter").

WHEREAS, the Letter advised Plaintiff that the Federal Bureau of Prisons ("BOP), in response to Plaintiff's Freedom of Information Act ("FOIA") Request 2023-01964-LIT, had (1) completed a search and received 572 pages of responsive records for processing (the "572 Pages"); and (2) though not required by the FOIA, in the spirit of compromise, was also writing a program in response to a portion of that FOIA Request (the "Program Response"). Regarding the Program Response the Letter further stated that "BOP anticipate[d] receiving the records . . . result[ing] from the program . . . within 3 weeks [of the Letter], and [that] the BOP w[ould] process them and release them to [Plaintiff] on a rolling basis subject to applicable FOIA exemptions including those listed [in the Letter]."

WHEREAS, the Letter further advised Plaintiff that the Federal Bureau of Prisons, in response to Plaintiff's FOIA Request 2023-02625-LIT, had completed its search and received 443 pages of responsive records for processing (the "443 Pages").

THEREFORE, to resolve the venue issue the Parties stipulate as follows:¹

1. Venue is this action is governed by 5 U.S.C. § 552(a)(4)(B) such that the United States District Court for the District of Columbia is the proper venue for this action. See 5 U.S.C. § 552(a)(4)(B) ("On complaint . . . the District of Columbia[] has jurisdiction."). Accordingly, the Parties stipulate that the

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¹ The Parties incorporate here by reference all defined terms appearing in parentheses as used in all of the preceding retail paragraphs beginning with "WHEREAS."

above captioned matter should be transferred to the United States District Court for the District of Columbia.

- 2. Within two business days of the date on which any judge presiding in the Northern District of California enters on the docket an executed copy of the below included [Proposed Order] transferring this case to the United States District Court for the District of Columbia, BOP shall release to Plaintiff the 572 Pages responsive to FOIA Request 2023-01964-LIT as well as the 443 Pages responsive to FOIA Request 2023-02625-LIT.
- 3. Within thirty days of the date on which any judge presiding in the Northern District of California enters on the docket an executed copy of the below included [Proposed Order] transferring this case to the United States District Court for the District of Columbia, BOP shall release to Plaintiff the Program Response identified in the Letter with respect to FOIA Request 2023-01964-LIT, and that release shall include the Program Response in a Microsoft Excel format. At that time, BOP may also release the Program Response in additional formats, if it so chooses.
- 4. The Parties additionally stipulate that Defendant shall have thirty days from the date transfer to the United States District Court for the District of Columbia is complete to answer or otherwise respond to the Complaint in United States District Court for the District of Columbia, and the Parties request that the schedule and all other deadlines for the above captioned matter pending in the Northern District of California are vacated.
- 5. The Parties further stipulate that neither the terms nor the fact of this stipulation shall be evidence of whether the Northern District of California is a proper venue for this matter.

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IT IS SO STIPULATED. ISMAIL J. RAMSEY United States Attorney DATED: March 18, 2024 /s/ J. Wesley Samples J. WESLEY SAMPLES Assistant United States Attorney Attorney for Defendant /s/ Maria V. Morris * MARIA V. MORRIS, DATED: March 18, 2024 American Civil Liberties Union Foundation National Prison Project Attorney for Plaintiff * In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of perjury that all signatories have concurred in the filing of this document.

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UNITED STATES DISTRICT COURT 1 NORTHERN DISTRICT OF CALIFORNIA 2 3 SAN FRANCISCO DIVISION 4 AMERICAN CIVIL LIBERTIES UNION CASE NO. 3:23-CV-05248-JD 5 FOUNDATION, **(PROPOSED)** ORDER GRANTING JOINT 6 Plaintiff, STIPULATION TO TRANSFER CASE TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA 7 v. 8 UNITED STATES DEPARTMENT OF JUSTICE, 9 Defendant. 10 11 12 PURSUANT TO STIPULATION, IT IS SO ORDERED. This matter is transferred to the 13 United States District Court for the District of Columbia. The schedule and all other deadlines for the 14 above captioned matter pending in the Northern District of California are vacated. 15 16 17 Dated: March 20, 2024 HONORABLE JAMES NONATO 18 United States District Judge 19 20 21 22 23 24 25 26 27 28

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